

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

CLAYTON L.,<sup>1</sup>

Plaintiff,

No. 3:17-cv-00778-HZ

v.

ORDER

COMMISSIONER, SOCIAL  
SECURITY ADMINISTRATION

Defendant.

HERNÁNDEZ, District Judge:

Plaintiff Clayton L. brought this action seeking review of the Commissioner's final decision to deny Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI). In a June 21, 2018 Opinion & Order, I reversed the Commissioner's decision, and ordered that the case be remanded for immediate payment of benefits. Judgment was also entered on June 21, 2018.

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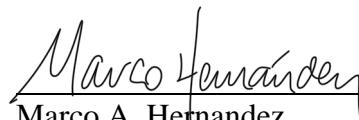
<sup>1</sup> In the interest of privacy, this Order only uses the first name and the initial of the last name of the non-governmental party or parties in this case.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no objection to the request. *See* Def. Resp., ECF 28. I have reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

I grant the motion [27] and award Plaintiff's counsel \$12,423.75 in attorney's fees under 42 U.S.C. § 406(b). Previously, I awarded Plaintiff attorney's fees in the amount of \$1,861.67 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and send Plaintiff's attorney the balance of \$10,562.08, less any applicable processing fees as allowed by statute. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

Dated this 19 day of Feb, 2019

  
Marco A. Hernandez  
United States District Judge